

SENATE BILL 189

F1, B5
SB 786/10 – B&T

1lr1051

By: **Senators Peters, Colburn, Currie, Glassman, Jones–Rodwell, King, Manno, McFadden, Muse, Robey, and Rosapepe**
Introduced and read first time: January 26, 2011
Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – State Aid for School Construction – Planning and Design**
3 **Costs**

4 FOR the purpose of requiring the Board of Public Works to include the cost of
5 planning and design as an approved public school construction or capital
6 improvement cost; requiring the Board of Public Works, at the recommendation
7 of the Interagency Committee on School Construction, to adopt certain
8 regulations; providing for the application of this Act; providing for the
9 termination of this Act; and generally relating to public school construction.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 5–301(b)
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2010 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Education**

18 5–301.

19 (b) (1) For the purposes of this section other than subsection (c), the
20 Board of Public Works shall define by regulation what constitutes an eligible and
21 ineligible public school construction or capital improvement cost.

22 (2) (i) The Board of Public Works shall include modular
23 construction as an approved public school construction or capital **IMPROVEMENT** cost.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (ii) The Board of Public Works, at the recommendation of the
2 Interagency Committee on School Construction, shall adopt regulations that:

3 1. Define modular construction; and

4 2. Establish the minimum specifications required for
5 approval of modular construction as a public school construction or capital
6 improvement cost.

7 **(3) (I) THE BOARD OF PUBLIC WORKS SHALL INCLUDE**
8 **PLANNING AND DESIGN AS AN APPROVED PUBLIC SCHOOL CONSTRUCTION OR**
9 **CAPITAL IMPROVEMENT COST.**

10 **(II) THE BOARD OF PUBLIC WORKS, AT THE**
11 **RECOMMENDATION OF THE INTERAGENCY COMMITTEE ON SCHOOL**
12 **CONSTRUCTION, SHALL ADOPT REGULATIONS THAT:**

13 1. **DEFINE PLANNING AND DESIGN; AND**

14 2. **ESTABLISH THE MINIMUM SPECIFICATIONS**
15 **REQUIRED FOR APPROVAL OF PLANNING AND DESIGN AS A PUBLIC SCHOOL**
16 **CONSTRUCTION OR CAPITAL IMPROVEMENT COST.**

17 **[(3)] (4)** The cost of acquiring land may not be considered a
18 construction or capital improvement cost and may not be paid by the State.

19 SECTION 2. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
20 apply to the construction of new schools that have not initiated a Request For Proposal
21 for the selection of an architectural and engineering consultant on or before June 1,
22 2011.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 June 1, 2011. It shall remain effective for a period of 3 years and, at the end of May 31,
25 2014, with no further action required by the General Assembly, this Act shall be
26 abrogated and of no further force and effect.